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Los Angeles, CA

## UNITED STATES OF AMERICA

## BEFORE THE NATIONAL LABOR RELATIONS BOARD

MARRIOTT INTERNATIONAL, INC., d/b/a J.W. MARRIOTT LOS ANGELES AT L.A. LIVE

and

Case 21-CA-039556

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## ORDER DENYING MOTION FOR RECONSIDERATION

On September 28, 2012, the National Labor Relations Board, by a three-member panel, issued a Decision and Order in this proceeding, finding that the Respondent violated Section 8(a)(1) of the Act by maintaining four overly broad rules restricting employee access to and use of the Respondent's hotel property. The Board ordered the Respondent to remedy its unlawful conduct by rescinding or revising the unlawful rules.

On October 30, 2012, the Respondent filed a motion for reconsideration. On November 8, 2012, the Acting General Counsel filed an opposition to the Respondent's motion.

<sup>&</sup>lt;sup>1</sup> 359 NLRB No. 8.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.<sup>2</sup> Having duly considered the matter, we find that the Respondent's motion fails to present "extraordinary circumstances" warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.

The Respondent contends that the Board disregarded the Respondent's constructive relationship with the Union. It points out that it agreed to and complied with a neutrality and card check agreement, and it invited Union representatives to speak to employees as part of their new-hire orientation. The Respondent also notes that the challenged rules do not mention, were not promulgated in response to, and have never been applied to restrict Section 7 activity. In light of these factors, the Respondent argues that no reasonable employee would read the four challenged rules as restricting Section 7 rights. The Board considered and rejected these arguments in its decision.

The Respondent next contends that the decision does not provide sufficient guidance for compliance. We disagree. The decision explained the Board's reasoning at length and in detail. The Respondent does not claim that the decision leaves

<sup>&</sup>lt;sup>2</sup> The Respondent argues, inter alia, that the recess appointments of Members Block and Griffin were invalid because the Senate was not in recess at the time of the appointments. For the reasons set forth in *Center for Social Change*, *Inc.*, 358 NLRB No. 24 (2012), we reject this argument.

it unable to understand why its current rules are unlawfully worded, and it is not the Board's practice to suggest possible revisions.

Accordingly, the Respondent's motion does not present extraordinary circumstances warranting reconsideration.<sup>3</sup>

## ORDER

IT IS ORDERED that the Respondent's motion for reconsideration is denied.

Dated, Washington, D.C., December 07, 2012.

	Mark Gaston Pearce,	Chairman	
	Brian E. Hayes,	Member	
	Sharon Block,	Member	
(SEAL)	NATIONAL LABOR RELAT	NATIONAL LABOR RELATIONS BOARD	

<sup>&</sup>lt;sup>3</sup> Member Hayes adheres to his dissent in the underlying decision. He continues to be of the view that the Hotel's off-duty access and use rules are valid. Nonetheless, he agrees that the Respondent has not presented "extraordinary circumstances" warranting Board reconsideration of its decision.